

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

June 13, 2013

In the Matter of R A O Williams, Minor.

No. 312480

Ingham County Circuit Court

Family Division

LC No. 11-000844-NA

Before: BECKERING, P.J., and SAAD and O'CONNELL, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to her minor child pursuant to MCL 712A.19b(3)(c)(i), (g), (j), and (l). We affirm.

Respondent's sole argument on appeal is that the trial court erred when it found that termination was in the best interests of the child. We disagree.

If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights if it finds that doing so is in the child's best interests. MCL 712A.19b(5). We review the trial court's decision regarding the child's best interests for clear error. *In re Olive/Metts Minors*, 297 Mich App 35, 40; 823 NW2d 144 (2012); MCL 3.977(K).

Respondent contends that the trial court erred by failing to consider her recent significant successes and improvements, and thus, terminated her parental rights prematurely. Citing *In re Mason*, 486 Mich 142, 160-164; 782 NW2d 747 (2010), respondent appears to argue that when a parent has been a long-term substance abuser, the trial court must allow the parent at least two years to resolve the substance abuse problem before terminating the parent's rights. We disagree. The *Mason* Court addressed termination pursuant to MCL 712A.19b(3)(h) (incarceration of parent). 486 Mich at 149. That statutory section specifies the two-year time period:

The parent is imprisoned for such a period that the child will be deprived of a normal home for a period exceeding 2 years, and the parent has not provided for the child's proper care and custody, and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age. [MCL 712A.19b(3)(h).]

Nothing in the *Mason* case indicates that the two-year time period is applicable to a best interest analysis involving long-term substance abuse by a parent.

We conclude that the record supports the trial court's findings that, although respondent had a bond with her child, the child's need for safety, stability, and permanence conflicted with respondent's lack of demonstrated parenting skills, her history of unaddressed mental health issues, and her lengthy history of substance abuse. Thus, after a careful review of the whole record, we hold the trial court did not commit clear error when it held that termination of respondent-appellant's parental rights was in the best interests of the child. See *In re LE*, 278 Mich App 1, 25; 747 NW2d 883 (2008).

Affirmed.

/s/ Jane M. Beckering
/s/ Henry William Saad
/s/ Peter D. O'Connell